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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: VOLKSWAGEN “CLEAN
DIESEL” MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

MDL No. 2672 CRB (JSC)

**STIPULATION AND PROPOSED
AMENDED SCHEDULING ORDER**

Judge: Hon. Charles R. Breyer

This Document Relates To:

U.S. S.E.C. v. Volkswagen AG,
No. 3:19-cv-1391-CRB

Plaintiff United States Securities and Exchange Commission (“Plaintiff”), Defendants Volkswagen AG and Volkswagen Group of American Finance, LLC (“VW”), and Defendant Martin Winterkorn (collectively, the “Parties”), through their undersigned counsel, hereby agree and stipulate as follows:

WHEREAS, on December 17, 2021, the Court entered the Parties’ stipulated amended Scheduling Order (ECF No. 76), which set forth dates for the completion of fact and expert discovery and to file and brief dispositive motions;

1 WHEREAS, the Parties have served and responded to substantial written discovery, including
2 interrogatories and document requests, and made substantial document productions, which continue;

3 WHEREAS, the Parties continue to meet and confer in good faith attempts to resolve any
4 discovery disputes, and continue to do so;

5 WHEREAS, the COVID-19 pandemic substantially limited the Parties' ability to take and
6 complete deposition discovery, particularly depositions of VW's current and former employees
7 residing in Germany;

8 WHEREAS, the Parties have now completed several depositions, including depositions of
9 multiple VW employees during two separate trips to Europe, and are in the process of scheduling more
10 depositions in both Europe and the United States;

11 WHEREAS, despite the Parties' efforts to complete discovery, they will need additional time
12 to complete discovery and, thus, jointly request an extension of the dates set forth in the Court's
13 Scheduling Order;

14 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties, that the
15 Scheduling Order be amended as follows:

ACTION	Due Dates
Fact Discovery Cutoff:	September 12, 2022
Expert Reports Exchanged:	December 19, 2022
Rebuttal Expert Reports Exchanged:	February 27, 2023
Expert Discovery Cutoff:	March 20, 2023
Dispositive Motions & Opening Briefs:	May 22, 2023
Oppositions to Dispositive Motions:	July 17, 2023
Replies in Support of Dispositive Motions:	August 14, 2023
Pretrial Conference:	To be set by Court at later date

1 Trial:

To be set by Court at later date

2 This Stipulation may be executed in counterparts, and electronic or facsimile signatures shall
3 be deemed equivalent to original signatures.

4 IT IS SO STIPULATED.

5
6 Dated: May 11, 2022

Respectfully submitted,

7
8 /s/Daniel J. Hayes

Daniel J. Hayes

9 Eric M. Phillips

Jake A. Schmidt

10 Kevin A. Wisniewski

Raven Winters

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15 *Attorneys for Plaintiff*

16 *U.S. Securities and Exchange Commission*

17
18 /s/ Suhana S. Han (with permission)

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25 *Volkswagen Group of America Finance, LLC*
26 *and VW Credit, Inc.*
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/s/ Peter R. Jerdee (with permission)
Gregory P. Joseph (*admitted pro hac vice*)
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Attorneys for Defendant Martin Winterkorn

* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: _____, 2022

CHARLES R. BREYER
United States District Judge

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ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: May 11, 2022

/s/Daniel J. Hayes
Daniel J. Hayes